

\*E-Filed 1/21/11\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GREGORY WELLS,

No. C 10-5695 RS (PR)

Petitioner,

**ORDER OF DISMISSAL**

v.

U. S. DISTRICT COURT,

Respondent.

This is a federal habeas corpus action filed by a *pro se* state prisoner pursuant to 28 U.S.C. § 2254. Petitioner was granted 30 days to (1) file a complete application to proceed *in forma pauperis* (“IFP”), or (2) pay the filing fee of \$5.00. Petitioner was informed that if he failed to do either within those 30 days, his action would be dismissed. More than 30 days have passed and petitioner has not paid the filing fee, nor has he filed an IFP application. Accordingly, the action is DISMISSED without prejudice to petitioner filing an IFP application, or paying the filing fee.

A certificate of appealability will not issue. Petitioner has not shown “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Clerk shall enter judgment in favor of respondent, and close the file.

**IT IS SO ORDERED.**

DATED: January 21, 2011

  
 RICHARD SEEBORG  
 United States District Judge

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